

Court Management Council (CMC)

Conference Call Meeting Minutes

Wednesday, April 14, 2010

Members Participating

Mr. Ron Carpenter (co-chair)
Mr. Jeff Hall (co-chair)
Ms. Peggy Bednared
Ms. Roni Booth
Ms. Jeri Cusimano
Ms. Delilah George
Mr. Richard Johnson

Ms. Kathy Martin
Ms. Marti Maxwell
Mr. Joe McGuire
Mr. Michael Merringer
Ms. Renee Townsley

Members Absent

Ms. Shelly Maluo
Ms. Barbara Miner
Ms. Sharon Paradis

Mr. David Ponzoha
Mr. Paul Sherfey

AOC Staff

Mr. Dirk Marler
Ms. Caroline Tawes

INTRODUCTORY ITEMS

Call to Order

The meeting was called to order at 9:33 a.m.

Approval of Minutes

Mr. Hall asked if there were any changes or comments to the draft minutes from the February 10, 2010 meeting. Ms. Tawes pointed out two typographical errors on the Action Items list that will be corrected.

Moved, seconded and carried: to approve the February 10, 2010 minutes with corrections.

DISCUSSION ITEMS

Court Transcriptionist Subcommittee Update

Ms. Townsley said the Court Transcriptionist Subcommittee met and discussed expanding their original charge. Subcommittee members discussed other areas that needed to be reviewed such as consistent rules regarding what kind of equipment is used and how it is monitored and decided they would like more guidance from the CMC membership. The subcommittee created a brief statement, included in the meeting material, that expanded the charge of the subcommittee. If this new charge is adopted by the subcommittee, it would require expanding the subcommittee membership to include court transcriptionists, independent transcriptionists, judges, and others in the court community. Other questions to be addressed include who owns the notes, what kind of disciplinary and authorization

processes should be used, what qualifications are required for independent transcriptionists, who ensures compliance and monitors individuals, and what is the process if minimum standards are not met.

Mr. Hall would like the subcommittee to focus on establishing policies and standards for electronic recording and transcription of electronic recordings. Some options the subcommittee might consider include statewide, uniform processes and rules; state level certification and discipline; or a state pool or list of transcriptionists. Mr. Hall would like to review the current equipment standards and include those standards in the scope of the subcommittee.

Ms. Maxwell said the court reporters in Thurston County Superior Court chose, as an interim solution, to begin transcribing recordings. Mr. Johnson thought that monitoring of recording equipment was a larger problem than the actual transcription. Mr. Marler suggested emphasizing education of judicial officers in their responsibility for monitoring the recording equipment.

Mr. Hall said this discussion was very helpful in framing the subcommittee charge, and he will draft a charter for the subcommittee with a focus on electronic recording and authorization of the transcriptionist.

Out of State Witness Billing

Ms. Maxwell had questions about statutes that have conflicting information regarding who pays for out of state witness travel expenses. In Thurston County, the expenses are paid from the Superior Court budget, and in other jurisdictions, the prosecuting attorney pays travel expenses. Is there any statewide uniformity? Would it be possible to have a statute that reflects modern practice? Mr. Marler suggested that Mr. Rick Neidhardt at AOC might be helpful, and the CMC members agreed that it was a good idea to create something for the Board of Judicial Administration (BJA) legislation.

Judicial Information System (JIS) Update

Mr. Hall announced that Information Services Division (ISD) Chief Information Officer (CIO) Gregg Richmond resigned on Monday, April 12, effective immediately. In the interim, Mr. Marler will act as director of both the Judicial Services Division (JSD) and ISD. Mr. Marler will directly supervise the ISD Project Management office and the ISD Enterprise Architecture and Strategy office. In addition, Mr. Bill Cogswell will be acting as Associate Director of ISD and directly supervising the data section, maintenance section and infrastructure group. Mr. Hall, Mr. Marler, and Mr. Cogswell will be meeting daily. A job announcement for the CIO position was posted yesterday, and Mr. Hall hopes to fill the position quickly.

Ms. Maxwell asked for more information on the recent technology program demonstrations. Mr. Hall said the three main technology programs participated in a usability demonstration in which the vendors were asked to walk through four cases. Sierra Systems' summary stated their general sense that the most viable option will be a mature, commercial off-the-shelf vendor. A written report of the demonstration and summary will be available at the April 23 Judicial Information System Committee (JISC) meeting and will be distributed to the CMC members.

As requested at the February CMC meeting, Mr. Hall sent CMC members the JIS backlog information. Change requests accounted for 316 of the backlog incidents; 249 of those are still open. There were 950 known errors, and 403 are still open. Staff are continuing to work on the backlog. Mr. Hall discussed the criteria used to prioritize errors.

Mr. Hall said the transformation plan is progressing. The JISC has adopted a governance framework. In six to eight weeks there will be 11 different User Groups comprised of court associations that will initiate and endorse change requests. As part of governance process, a broader Court Level User Group made up of court association representatives for a joint review of things going forward will be able to discuss, rate, and rank requests before the requests go to the JISC.

The Enterprise Architecture project is moving forward, and the initial documentation framework will be reviewed next month. Mr. Hall said there will be a special JISC meeting to approve the Enterprise Architecture.

Budget Update

The Legislature passed a budget and fully funded the \$3.7 million JISC supplemental budget request, in addition to a \$1.5 million fund sweep. The Becca and Truancy programs were fully funded. AOC and the judicial branch received a larger budget cut than was hoped for, in addition to 11 furlough days. Mr. Hall does not know how the furloughs will be implemented. The Office of Public Guardianship received enough funding to add to their caseload and study the effectiveness of the program. The Supreme Court, the Law Library, and the Office of Civil Legal Aid all received cuts. Mr. Hall plans to have more complete information on the budget impact in a couple of weeks.

Justice in Jeopardy Implementation Committee Appointments

Members on the Justice in Jeopardy Implementation Committee are appointed for a two-year term with a possible reappointment for a second two-year term. Current CMC appointees are Mr. Merringer and Ms. Yvonne Pettus. Mr. Merringer volunteered for another two-year term. Ms. George will contact Ms. Pettus to ask if she wants to remain a member.

COMMITTEE AND PROJECT REPORTS

There were no new reports.

REVIEW OF ACTION ITEMS

Mr. Hall reviewed the list of action items. For Item 2, Mr. Hall contacted the State Court Administrator in Connecticut and was told they did not have a study on error rates. Mr. Hall will ask for this information through the Conference of State Court Administrators (COSCA) listserv. Mr. Sherfey will contact the Transcriptionist Subcommittee to review the RCWs and court rules. Mr. Hall will work on an updated subcommittee charter.

MEMBER ASSOCIATION REPORTS

Courts of Appeals

Ms. Townsley said the Courts of Appeal have been focused on budget impacts and were relieved that the reductions were not greater than anticipated.

County Clerks

Ms. Martin said there will be training on domestic violence topics for deputy clerks on the both the eastside and Westside of Washington in Kennewick, Davenport, Wenatchee, Kelso, Shelton, and Everett on April 26, 27, and 28. The Clerks are preparing for their summer conference in June.

Superior Court Administrators

Ms. George participated in a conference call with Superior Court Judges' Association (SCJA) Education Committee to plan the joint spring conference agenda. Topics will include ageing and decision making, diversity in courts, a GR 29 best practices session for presiding judges, civil nuts and bolts, a session on the Judicial Code of Conduct, and sessions on criminal law, prosecutorial misconduct, and the science of domestic violence treatment. There are Regionals planned during the SCJA conference in Lewis, Franklin, and Skagit counties with trainings in ethics and communication in a diverse world.

Juvenile Court Administrators

Mr. Merringer attended the signing of SSB 6884 yesterday which grants court employees agency affiliation and makes Department of Health certifications easier to obtain. He participated in two meetings with the Juvenile Rehabilitation Administration (JRA) oversight committee to discuss the block grant funding model and new funding formula and applications.

District and Municipal Court Administrators

Ms. Cusimano said the District and Municipal Court Management Association (DMCMA) met on March 31 to discuss planning for the May joint conference and funding for the line staff and managers conferences in 2011. They also discussed why membership numbers continue to be low. Ms. Bednared will be DMCMA president next year. Ms. Cusimano had questions about requiring court interpreters to have a business license, and Mr. McGuire said this question had been addressed in Renton and offered to speak further with Ms. Cusimano. Mr. Marler said this issue had also been addressed in Port Orchard.

Ms. Cusimano said she is retiring on June 30 and Mr. McGuire will take her place as Past President of DMCMA. The CMC members congratulated Ms. Cusimano.

AOC

Mr. Marler said AOC had recently evaluated the agency's commitment to Who Has Court Jobs as a job announcement posting service. Who Has Court Jobs is no longer affiliated with the National Center for State Courts (NCSC), and NCSC posts job announcements at no charge. A Google search for court jobs in Washington brings up AOC and NCSC in the top three options. Mr. Marler said that AOC will terminate their contract with Who Has Court Jobs on May 1. Job announcements submitted to AOC will be posted on the AOC Web site and sent to NCSC for posting, unless directed otherwise by the hiring authority.

OTHER BUSINESS

The next CMC meeting is planned as a conference call on June 9, 2010. Mr. McGuire asked about the possibility of having an in-person meeting. After a short discussion, Mr. Hall said he would look into having an in-person CMC meeting, in addition to the joint CMC/Board for Judicial Administration (BJA) meeting in December.

ADJOURNMENT

There being no further business of the Council, the meeting adjourned at 11:05 p.m.

ACTION ITEMS

- Mr. Hall will research a study on error rates of transcription of digital records versus a court reporter record and will forward that information to the CMC members. Mr. Hall will ask for this information through the Conference of State Court Administrators (COSCA) listserv.
- Mr. Sherfey will contact the Transcriptionist Subcommittee to review the RCWs and court rules.
- Mr. Hall will draft an expanded charter for the Transcriptionist Subcommittee.
- Mr. Hall said AOC's Audio Recording Standards probably needed to be updated.
- Mr. Hall will forward a written report of the technology program demonstrations and summary to the CMC members.
- Mr. Hall said he would look into having an in-person CMC meeting, in addition to the joint CMC/Board for Judicial Administration (BJA) meeting in December.